

*Filed  
Proffer  
Court  
6/8/04*

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA	)	
	)	
v.	)	CASE NO. 04-10119-MEL
	)	
JAMES HART	)	
	)	

INITIAL STATUS CONFERENCE JOINT MOTION

The United States of America, through its attorney, Michael J. Sullivan, United States Attorney for the District of Massachusetts, and Allison D. Burroughs, Assistant U.S. Attorney, and the defendant, James Hart, through his counsel, Catherine K. Byrne, hereby submit the following joint memorandum addressing those items set forth in Local Rule 116.5(A)(1) through Local Rule 116.5(A)(7).

116.5(A)(1): At this point, the parties do not believe that relief need be granted from the otherwise applicable timing requirements imposed by Local Rule 116.3.

116.5(A)(2): Should this matter proceed to trial, the defendant hereby requests reciprocal discovery concerning expert witnesses under Fed.R.Crim.P. 16(a)(1)(E) and the government hereby requests reciprocal discovery from the defendant concerning expert witnesses as required under Fed.R.Crim.P. 16(b)(1)(C). The government requests that the government be required to provide such discovery 45 days prior to trial and that the defendant be required to provide reciprocal discovery 20 days prior to trial.

116.5(A)(3): The government recognizes that its discovery

obligations are ongoing and intends to continue to provide the defendant with all discoverable materials as they come into our possession and consistent with the timing obligations imposed upon the government by Local Rule, statute and applicable case law. At this time we do not anticipate receiving any reports of examinations or tests.

116.5(A)(4): The parties agree that a motion date should be established under Fed.R.Crim.P. (12)(c).

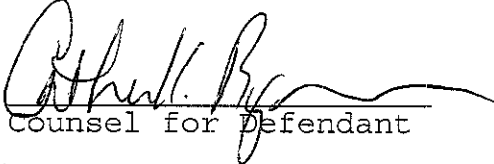
116.5(A)(5): The parties jointly request that all time from the scheduled date of the initial pretrial conference through to the date of the next scheduled court proceeding be excluded pursuant to the Speedy Trial Act.

116.5(A)(6): The parties currently anticipate a trial. Should such a trial be necessary, it should last approximately 2 weeks.

116.5(A)(7): The parties ask that the court set a final status conference date for mid July.


Respectfully submitted,

CATHERINE K. BYRNE

  
Counsel for Defendant

MICHAEL J. SULLIVAN  
United States Attorney

By:

  
ALLISON D. BURROUGHS  
Assistant U.S. Attorney